

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:05cv279

RODNEY K. JUSTIN,

Plaintiff,

Vs.

UNITED STATES OF AMERICA, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

JUDGMENT

THIS MATTER having come before the court on the consent of the parties entered in accordance with 28, United States Code, Section 636(c), and the United States of America having shown the court that subject matter jurisdiction is lacking in this proceeding as provided under 26, United States Code, Section 7609, and that the Right to Financial Privacy Act, 12, United States Code, Section 3410, does not apply to this particular proceeding, as shown in the Order filed simultaneously herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the United States of America's Motion for Final Order of Dismissal is **ALLOWED**, and this matter is **DISMISSED** in its entirety with prejudice, and **JUDGMENT** is entered in favor of defendant and against plaintiff providing that plaintiff have and take nothing of this defendant.

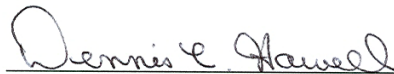
Inasmuch as plaintiff is proceeding *pro se*, and in accordance with the instructions of the Court of Appeals of the Fourth Circuit in Wilder v. Chairman of the Central Classification Bd., 926 F.2d367 (4th Cir.1991),¹ plaintiff is hereby advised that he has the right to appeal this judgment to

¹ The Court of Appeals advised in Wilder that "while not mandated, the preferable practice is to include a statement to all final orders involving pro se litigants setting forth the litigants' appellate rights." Id., at 371.

the Court of Appeals of the Fourth Circuit in the manner described in Rule 3, Federal Rules of Appellate Procedure, and within the time prescribed in Rule 4, Federal Rules of Appellate Procedure.

Failure to file a notice of appeal within the first 30-day period after entry of judgment requires the filing of a motion for extension of time and a notice of appeal within the second 30-day period after entry of judgment. Fed. R. App. P. 4(a)(5). See United States ex rel. Leonard v. O'Leary, 788 F.2d 1238, 1240 (7th Cir. 1986)

Signed: May 31, 2006



Dennis L. Howell
United States Magistrate Judge

